DOCUMENT RESUME

ED 337 116 HE 024 958

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| TITLE | Executive Policy--Administration: E11.201, Illegal Drug and Substance Abuse. Executive Policy E11.203, Illegal Drugs and Alcohol Abuse. |
| INSTITUTION | Hawaii Univ., Honolulu. |
| PUB DATE | Sep 90 |
| NOTE | 10p.; This report is part of a collection of programs, policies and curricula developed by members of the Network of Colleges and Universities Committed to the Elimination of Drug and Alcohol Education, Office of Educational Research and Improvement in response to the 1989 Drug Free Schools and Communities Act. |
| PUB TYPE | Legal/Legislative/Regulatory Materials (090) -- Guides - General (050) |
| EDRS PRICE | MF01/PC01 Plus Postage. |
| DESCRIPTORS | *Alcohol Abuse; *Drug Abuse; Drug Education; Higher Education; *Policy Formation; Prevention |
| IDENTIFIERS | *Network for Drug Free Colleges; *University of Hawaii Manoa |

ABSTRACT

This document includes two statements of policy for the University of Hawaii's drug and alcohol abuse prevention program. The first, "Illegal Drugs and Substance Abuse," opens with an introduction stating the University's general mission and that mission's incompatibility with substance abuse. A second section details the University's expectations for students, faculty and staff. The policy's objectives and applicability follow. A fifth section establishes definitions of key terms and a sixth section details six university policies regarding drug and alcohol abuse. The following section describes administrative procedures for informing students and staff of current policy, for establishing a drug awareness program, and for establishing other procedures. The second document, "Illegal Drugs and Alcohol Abuse" lists the policy's objectives and those to whom it applies. Cross references to other university policies are provided along with definitions of key terms. Policies on illegal drugs, and alcohol, and other substance abuse are detailed. Briefly described is the abuse prevention program which is to include distribution of information and a biennial review of its program. (JB)

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Prepared by the Office of the Vice President for Student Affairs and the Office of Planning and Policy

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UNIVERSITY OF HAWAII

EXECUTIVE POLICY - ADMINISTRATION



E11.201 Illegal Drugs and Substance Abuse

I. INTRODUCTION

In the broadest sense, the mission of the University is to create and transmit knowledge. Therefore, the University encourages physical, mental and social behaviors which contribute to effective teaching, learning, research and community service.

Substance abuse of any kind, especially the use of illegal drugs, threatens the University in three ways: (1) it has a negative effect on individual performance; (2) it undermines the communal well-being of faculty, staff and students; and (3) it damages the relationship of the University to the broader community.

Substance abuse interferes with the physiological and abstract processes through which mental activity occurs and with social behaviors required for research and learning. Consequently, the University expects that students, faculty and staff will carry out their responsibilities free of any substance abuse.

The University can best achieve its mission by creating a supportive working environment in which individuals encourage one another to pursue excellence in their professional and personal lives. Students, faculty and staff share a responsibility to help one another by learning to recognize the signs and behaviors associated with substance abuse and addiction, and by encouraging those with such problems to seek appropriate help and rehabilitation. Once an individual has undergone treatment for substance abuse or addiction, the University should extend support and encouragement during the recovery phase.

The University expects lawful behavior by students, faculty and staff during their presence on University premises and at University events. Within the constraints of its mission, the University encourages cooperation with law enforcement agencies in enforcing statutes regarding the use of illegal drugs. In addition, the University should take a leadership role in the acquisition and transmission of knowledge regarding substance abuse issues and problems.

II. UNIVERSITY EXPECTATIONS REGARDING SUBSTANCE ABUSE AND ILLEGAL DRUGS

A. Students, faculty and staff are expected to perform their duties free of intoxication by any illegal drugs.

B. Students, faculty and staff are expected to observe laws regulating illegal drugs and may be subject to investigation and/or prosecution for illegal drug use.

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C. Faculty, staff, and students are expected not to manufacture, distribute, possess, use, dispense or be under the influence of illegal drugs as prohibited by State and Federal law, at University-sponsored or approved events or on University property or in buildings used by the University for education, research and recreational programs.

D. Students, faculty and staff are expected to share responsibility for the well-being of each other, for recognizing the behaviors associated with substance abuse, and for encouraging those in need to seek assistance or treatment.

E. The University community should expect support services and supportive attitudes by its members for students, faculty and staff re-entering the community after treatment for or during recovery from substance abuse.

F. The University expects its students, faculty and staff to share responsibility for preventing substance abuse and addiction and for providing education about the subject through studies, research and special programming.

G. The University should expect to assume a leadership role in the acquisition and transmission of knowledge related to substance abuse and addiction, and to collaborate with the broader community in activities related to prevention of drug abuse including training of professional workers in this area.

## III. OBJECTIVES

The objectives of this policy are to:

A. Establish the University's values and its expectations of all faculty, staff, and students regarding substance abuse and, in particular, the use of illegal drugs.

B. Provide a positive context for the provision of education, assistance, and rehabilitation directed toward prevention of or intervention in substance abuse behavior on the part of faculty, staff, and students.

C. Comply with the provisions of the federal Drug Free Workplace Act of 1988, as may be amended from time to time.

D. Provide guidelines under which each campus may determine appropriate substance abuse programs for its students, faculty and staff.

## IV. APPLICABILITY

This policy applies to all members of the university community except civil service and exempt civil service employees who are subject to policies and procedures issued by the Hawaii State Department of Personnel Services.

V. DEFINITIONS

"Addiction" means a compulsive physiological need for an illegal drug;

"Conviction" means a finding of guilt (including a plea of nolo contendere) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of the Federal or State criminal drug statutes;

"Criminal drug statute" means a criminal drug statute involving manufacture, distribution, dispensation, use or possession of any illegal drugs;

"Employee" means any person, including a student, who is employed in a permanent or temporary capacity on a full or part-time basis and directly engaged in the performance of work under a Federal contract or grant;

"Federal contract or grant" means an award of financial assistance, including a cooperative agreement, in the form of money, or property in lieu of money, by a Federal agency directly to the University, and all block grant and entitlement grant programs;

"Illegal drugs" means a controlled substance in schedules I through V of section 202 of the Controlled Substance Act (21 U.S.C. 812), and any other illegal or controlled substance as defined in chapters 329 and 721, Hawaii Revised Statutes, provided the term "illegal drugs" shall not mean the use of a controlled substance pursuant to a valid perscription or other uses authorized by law; and

"Substance abuse" means the misuse of a substance or the use of a substance to an extent deemed deleterious or detrimental to the user, to others, or to society.

VI. POLICIES

A. All members of the university community are responsible for the satisfactory performance of their responsibilities as employees or students. University employees are evaluated on a regular basis in conformance with Section 9-15 of the Board of Regents' Bylaws and Policies, and evaluations of student performance are a regular part of the instructional process. A variety of well-established actions may be taken against employees and students for unsatisfactory performance. No exceptions shall be made for unsatisfactory performance that is caused by substance abuse.

B. In conformance with the existing law, University faculty, staff and students are not permitted to manufacture, distribute, possess, use, dispense or be under the influence of illegal drugs as prohibited by State and Federal law, at University-sponsored or approved events or on University property or in buildings used by the University for education, research or recreational programs. Consistent with its mission, the University will cooperate with law enforcement agencies responsible for enforcing laws related to the use of illegal drugs. Students found in violation of this part shall be subject to the

provisions of the student conduct code. Faculty and staff found in violation of this part are subject to disciplinary action as provided in collective bargaining agreements, University policy, and other applicable state laws and rules.

C. Students and employees who are believed to engage in substance abuse will be actively encouraged to seek appropriate help and treatment. Students, faculty and staff who undergo substance abuse treatment will be provided with a positive and supportive environment when re-assuming their University related responsibilities.

D. Chancellors and Vice Presidents at Manoa shall design and implement education, counseling and referral programs as needed, in order to carry out the intent of this policy.

E. As opportunities present themselves, appropriate units of the University are called upon to collaborate with the community-at-large on ways that the resources of the University may be used to assist in addressing substance abuse problems outside the University.

F. The University shall comply with the provisions of the federal Drug Free Workplace Act of 1988, which sets forth drug related requirements for the continued receipt of federal funds.

VII. ADMINISTRATIVE PROCEDURES

A. Each Chancellor and Vice President at Manoa shall provide annual notification to all employees by such means as are reasonably likely to inform them of the following:

1. Substance abuse or the use of illegal drugs shall not provide an excuse for work related performance that is deemed unsatisfactory.

2. University employees are not permitted to manufacture, distribute, possess, use, dispense or be under the influence of illegal drugs as prohibited by law at University sponsored or approved events or on University property or in buildings used by the University for education, research or recreational programs. Employees found in violation of this part are subject to disciplinary action as provided in collective bargaining agreements, University policy, and other applicable state laws and rules.

3. Consistent with its mission, the University will cooperate with law enforcement agencies responsible for enforcing statutes related to the use of illegal drugs.

4. The University actively encourages employees who are engaged in substance abuse to seek appropriate help and treatment. Employees who undergo such treatment will be provided with a positive and supportive work environment.

B. Each Chancellor and the Vice President for Student Affairs at Manoa shall provide annual notification to all students by such means as are reasonably likely to inform them of the following:

1. Substance abuse or the use of illegal drugs shall not provide an excuse for student behavior or performance that is deemed unsatisfactory.

2. University students are not permitted to manufacture, distribute, possess, use, dispense or be under the influence of illegal drugs as prohibited by law at University sponsored or approved events or on University property or in buildings used by the University for education, research or recreational programs. Students found in violation of this part shall be subject to appropriate federal or state law and disciplinary provisions contained in the campus Student Conduct Code.

3. Consistent with its mission, the University will cooperate with law enforcement agencies responsible for enforcing statutes related to the use of illegal drugs.

4. The University actively encourages students who are engaged in substance abuse to seek appropriate help or treatment. Students who undergo such treatment will be provided with a supportive learning environment.

C. The University Personnel Office shall establish a drug awareness program to inform employees of the dangers of drug abuse in the workplace and the availability of drug counseling and treatment programs. Each Chancellor and Vice President at Manoa shall determine if any additional programs or services in their units are necessary to carry out the intent of this policy.

D. In accordance with the requirements of the Drug Free Workplace Act of 1988, the Vice President for Research and Graduate Education and the Director of Personnel, in cooperation with the Chancellors and UH-Manoa Deans and Directors shall see to it that:

1. All employees engaged in the performance of a federal contract or grant are provided a copy of this policy;

2. All such employees agree, as a condition of employment, to abide by this policy and further to notify the University within five days of any conviction for a criminal drug statute offense occurring in the workplace;

3. The University shall inform the federal agency making the procurement or grant of all such convictions within 10 days of learning of same; and

4. Within thirty days after receiving notice from an employee of a conviction under subparagraph D.2. above, the University shall (a) take appropriate personnel action against such employee, up to and including termination; or (b) require such employee to

satisfactorily participate in a drug abuse or rehabilitation program approved for such purposes by a federal, state, or local health, law enforcement, or other appropriate agency.

E. The Vice President for Reasearch and Graduate Education and the Director of Personnel may develop additional administrative procedures in order to ensure compliance with the requirement of the Federal Drug Free Workplace Act of 1988.

F. Chancellors and Vice Presidents at Manoa are called upon to actively explore ways in which the educational and research resources of the University may be used to assist the community in addressing the problems and attitudes which contribute to the use of illegal drugs.

G. The President shall appoint a substance abuse advisory council. This council, which shall be broadly representative of the entire University, will monitor the implementation of this policy and shall offer advice on related matters. This advisory council shall serve as a liaison between and among university units and the community at large on drug related issues.

Prepared by the Personnel Management Office.
This is a new Policy.

UNIVERSITY OF HAWAII

EXECUTIVE POLICY - ADMINISTRATION September 1990



E11.203 Illegal Drugs and Alcohol Abuse

I. INTRODUCTION

The Drug-Free Schools and Communities Act Amendments of 1989, a companion to the Drug-Free Workplace Act of 1988, required institutions of higher learning to certify to the U.S. Department of Education by October 1, 1990 that it has adopted and implemented a program to prevent the use of illicit drugs and the abuse of alcohol by students and employees.

II. OBJECTIVES

The objectives of this policy are to:

A. Achieve and maintain a campus community that is free from the problems of substance abuse and dependency.

B. Publicize the harmful outcomes of alcohol abuse and other drug use including personal health problems, difficulties in personal and work relationships, and decreased productivity which diminishes the quality of campus life.

C. Encourage all members of the campus community with dependency problems to seek assistance from available campus programs and services.

D. Comply with the Drug-Free Schools and Communities Act Amendments of 1989, as may be amended from time to time, which set forth requirements for continued receipt of federal funding.

III. APPLICABILITY

This policy applies to all members of the University community including faculty, staff and students.

IV. CROSS REFERENCES

BORP, Section 11-3 Sale or Consumption of Liquor on Campus

E11.201 Illegal Drugs and Substance Abuse

E11.202 Management and Regulation of the Sale, Service and Consumption of Alcoholic Beverages on University Premises

State of Hawaii, Department of Personnel Services Drug-Free Workplace Policy for Civil Service Employees, IX. 180

V. DEFINITIONS

For purposes of this policy the following definitions apply:

"Addiction" is defined as a compulsive physiological need for an illegal drug.

"Alcohol or Alcoholic Beverage" includes alcohol, liquor, brandy, malt liquor, whiskey, rum, gin, okolehao, sake, beer, ale, wine, or any beverage containing one-half of one percent or more of alcohol by volume.

"Controlled substance" is defined as any drug listed in schedules I through V of section 202 of the Controlled Substance Act (21 U.S.C. 812) and chapters 329 and 721, Hawaii Revised Statutes.

"Illegal or illicit drugs" is defined as a controlled substance in schedules I through V of section 202 of the Controlled Substance Act (21 U.S.C. 812) and any other illegal or controlled substance as defined in chapters 329 and 721, Hawaii Revised Statutes, provided the term "illegal drugs" shall not mean the use of a controlled substance pursuant to a valid prescription or other uses authorized by law; and

"Substance abuse" is defined as the misuse of a substance including alcohol or the use of a substance to an extent deemed deleterious or detrimental to the user, to others, or to society.

VI. POLICIES

A. Illegal Drugs and Alcohol

In conformance with the existing law, University faculty, staff and students are not permitted to manufacture, distribute, possess, use dispense or be under the influence of illegal drugs and/or alcohol as prohibited by State and federal law, at University-sponsored or approved events or on University property or in buildings used by the University for education, research or recreational programs. Consistent with its mission, the University will cooperate with law enforcement agencies responsible for enforcing laws related to the use of illegal drugs and alcohol. Students found in violation of this part shall be subject to the provisions of the student conduct code. Faculty and staff found in violation of this part are subject to disciplinary action as provided in collective bargaining agreements, University policy, and other applicable State laws and rules.

B. Substance Abuse

The University recognizes that substance abuse is a complex problem that is not easily resolved solely by personal effort and may require professional assistance and/or treatment. Students, faculty and staff members with substance abuse problems are encouraged to take advantage of available diagnostic, referral, counseling and

prevention services. The University will not excuse misconduct by employees and students whose judgment is impaired due to substance abuse.

VII. ILLEGAL DRUGS AND ALCOHOL ABUSE PREVENTION PROGRAM

A. The program includes the annual distribution to each student and employee of the following:

1. Standards of conduct that clearly prohibit at a minimum the unlawful possession, use, or distribution of illicit drugs and alcohol by students and employees on its property or as part of any of its activities;

2. A description of the applicable legal sanctions under local, State, or federal law for the unlawful possession or distribution of illicit drugs and alcohol;

3. A description of the health risks associated with the use of illicit drugs and the abuse of alcohol; and

4. A description of any drug or alcohol counseling, treatment, or rehabilitation or re-entry programs that are available to employees or students.

5. A statement concerning disciplinary sanctions which will be imposed for violations of the standard of conduct required in paragraph 1 in accordance with the applicable collective bargaining agreement or Student Conduct Code.

B. Each Chancellor and Vice President shall provide annual notification to all employees.

C. Each Chancellor and the Vice President for Student Affairs at Manoa shall provide annual notification to all students.

D. The University shall conduct a biennial review of its program to (a) determine its effectiveness and implement changes if they are needed; and (b) ensure that the disciplinary sanctions are consistently enforced.